



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

June 11, 2025

**Via ECF**

Hon. Ronnie Abrams  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *Banks v. United States Postal Service*, No. 25 Civ. 925 (RA)**

Dear Judge Abrams:

This Office represents the United States Postal Service (the “Government”) in this action brought by Plaintiff Malik Banks (“Plaintiff”) under the Federal Tort Claims Act. I write respectfully to request, with Plaintiff’s consent, that the initial pretrial conference scheduled for June 20, 2025, be adjourned given the Government’s recently filed motion to dismiss (Dkt. No. 15). The Government also asks that the parties be relieved of the requirement to file a proposed case management plan by June 13, 2025. Dkt. No. 13.

As explained in the Government’s motion, Plaintiff commenced this action several months after the applicable statute of limitations passed and therefore the Complaint must be dismissed as untimely. Dkt. No. 16 at 3–4 (citing 28 U.S.C. § 2401(b)). Because the entire case is subject to dismissal, the Government respectfully requests that the Court decide its motion before holding an initial pretrial conference or setting a discovery schedule. *See, e.g., Gagliano v. United States*, No. 24-CV-07930 (SJB) (JMW), 2025 WL 1104042, at \*4 (E.D.N.Y. Apr. 14, 2025) (“where, like here, the sole defendant seeks to dismiss the entirety of the complaint, a stay [of discovery] is appropriate”).

The Government has conferred with Plaintiff and Plaintiff consents to adjourning the initial pretrial conference to a date convenient for the Court after the Government’s motion to dismiss is decided.

The initial pretrial conference and deadline to file a proposed case management plan are hereby adjourned *sine die*. No later than June 17, 2025, Plaintiff shall file a letter stating whether he consents to a stay of discovery of this action, and, if he does not, stating the basis for his opposition.

SO ORDERED.

Hon. Ronnie Abrams  
June 12, 2025

I thank the Court for its consideration of these matters.

Respectfully submitted,

JAY CLAYTON  
United States Attorney for the  
Southern District of New York

By: /s/ Mark Osmond  
MARK OSMOND  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Tel.: (212) 637-2713  
E-mail: mark.osmond@usdoj.gov